

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF: )  
 )  
RICHARD URUCHURTU, D.O. )  
Holder of License No. 2720 for the )  
practice of osteopathic medicine in the )  
State of Arizona. )  
\_\_\_\_\_ )

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER OF SUMMARY  
SUSPENSION**

The Board held a public meeting on November 14, 1998, regarding Richard Uruchurtu, D.O. (hereafter "Respondent"). Dr. Uruchurtu was present in the Board's offices for the meeting. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law, and Order of Summary Suspension, pending a formal Administrative Hearing.

**FINDINGS OF FACT**

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") is empowered, pursuant to A.R.S. §§ 32-1800 through - 1871 to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Respondent is a licensee of the Board and holds License No. 2720 for the practice of osteopathic medicine in Arizona.
3. The Board obtained information that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

## HISTORICALLY

4. On October 7, 1997 the Board received a telephone call from Respondent in which he admitted testing positive for the following drugs: amphetamines, Benzodiazapines and opiate metabolites at Yuma Regional Medical Center on September 25, 1997.

5. On October 23, 1997 Respondent entered into a Consent Order for Temporary Suspension of License and agreed to admit himself into Springbrook Northwest Rehabilitation Center for an evaluation for a possible substance abuse problem.

6. On December 1, 1997 a pharmacist at Smith's Pharmacy in Yuma Arizona telephoned the Board's office and stated that Respondent had telephoned him to see that the drug Roxamal was in stock. Staff contacted both Respondent and the rehabilitation center that Respondent was a patient at and stated that Respondent did not have legal authority to write any prescriptions due to his suspended license status.

7. On December 2, 1997 a prescription for 240 cc Roxamol elixir 20 mg/ml was filled at the Yuma Smith's Pharmacy for Rosie West (Respondent's girlfriend) and written by Respondent.

8. On December 13, 1997 the Board voted to hold a formal complaint hearing to consider suspension or revocation of Respondent's license due to violation of the terms and conditions of his Stipulated Consent Order and the fact that he wrote a prescription for a narcotic without a valid license. The formal complaint hearing was held on April 18, 1998 and the Board issued a Letter of Concern.

9. On July 15, 1998 Respondent entered into a Stipulated Consent Order requiring a five-year probation with terms and conditions for monitoring. The terms and conditions required in Respondent's Stipulated Consent Order require random urine drug screens and abstention of all

drugs and alcohol, unless prescribed by his treating physician. See attached Exhibit A, which is incorporated herein by reference. The Stipulated Consent Order for probation arose out of Respondent's substance abuse of a controlled substance.

### **PRESENT ALLEGATIONS**

10. On November 3, 1998 and November 10, 1998 Respondent tested positive for opiates/morphine on his random urine drug screens.

11. Pursuant to paragraph (7) of the Board's May 20, 1996 Consent Order, Respondent was ordered to "abstain completely from the consumption of alcoholic beverages; and, not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician." The information available to the Board demonstrates that Respondent violated the Board's probationary order by consuming alcohol, marijuana, and cocaine. Specifically, biological fluid testing conducted on the following dates were positive for the identified substances:

- A. Biological fluid sample collected on November 3, 1998 confirmed the presence of opiates/morphine. Laboratory analysis was conducted by Southwest Laboratories, Inc.
- B. Biological fluid sample collected on November 10, 1998 tested positive for opiates/morphine. Laboratory analysis conducted by Southwest Laboratories, Inc.

12. Respondent denied use or knowledge of how morphine was found in the urine drug screen

### **CONCLUSIONS OF LAW**

1. Practicing medicine while under the influence of controlled substance constitutes unprofessional conduct as defined at A.R.S. § 32-1854(3).

2. Violating a formal Board order, probation, or stipulation constitutes unprofessional

conduct as defined at A.R.S. § 32-1854(26).

3. In public session on November 14, 1993 the Board voted that Respondent's disregard of his stipulations with the Board and his relapse behavior specifically reflected in his November 3, 1998 and November 10, 1998 positive urine drug test provide the Board with adequate evidence to conclude that the public health, safety, or welfare imperatively require this emergency suspension.

4. Pursuant to Arizona Revised Statutes §§ 32-1800 through - 1871, the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

5. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. §§ 32-1855(C) and 41-1064(C) when it finds, based on the information provided pursuant to A.R.S. §31-1855(A) and (B), that the public health, safety, or welfare requires emergency action.

6. The information before the Board at it's November 14, 1998 Board Meeting shows that Respondent is continuing to consume prohibited substances in violation of his consent order and presented a urine sample containing opiates/morphine on November 3, 1998 and November 10, 1998. Consequently, the Board finds that the public health, safety, or welfare imperatively requires emergency action pursuant to A.R.S. §32-1855(C) and § 41-1064(C).

#### **ORDER**

#### **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

Pursuant to A.R.S. §§32-1855(C) and 41-1064(C), License No. 2720 held by RICHARD URUCHURTU, D.O. to practice osteopathic medicine is summarily suspended in the State of Arizona effective November 14, 1998, pending further disciplinary proceedings or until further Order of the Board.

ENTERED this 14th day of November, 1998.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director  
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Served by personal service or  
Certified Mail this 17<sup>th</sup> day  
of November, 1998 to:

Richard Uruchurtu, D.O  
1322 E. Ridgeview Dr.  
Yuma AZ 85364

Copy mailed this 17<sup>th</sup> day  
of November, 1998 to:

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85012

Drug Enforcement Agency  
Attn: Diversion Sec.  
3010 N. 2nd St.  
Phoenix AZ 85012

Anita Boyd